

In attendance:

Stacy Parsons (Chairing)

Jack Hickey

Joe Trybus

Terry Eucker, Berkshire Conservation Agent, assisting the Commission

**Attendance sheet was passed around*

Bernie and Shirley Beaudin, 63 Baker Street

Dan and Linda Minneci, 810 Partridge Road

Mark Siegars and Ron Tinkham, Baker Hill Road District

Joe Scelsi, Berkshire Mall Manager

Norma Barnes 67 Baker Street

7:30 pm Notice of Intent/Enforcement Order Response, 77 Baker Street

Jim Scalise, SK Design Group

Perri Petricca, property owner

Notice of Intent review:

- Work proposed is to create a stream crossing for an intermittent stream that is approximately 1 foot deep. The crossing will be part of a 14 ½ foot driveway with 3' slopes on either side. Boulder walls will support each side. The culvert pipe will be 28 feet in length.
- Proposing to remove two existing 8" culvert pipes and newly installed 75' long, 12" diameter pipe and replace with a single culvert 72" in diameter to provide for a stream crossing. Removal of the unpermitted culverts is also part of the restoration plan. Seeking to do the work to address the NOI and Enforcement Order at the same time to reduce disturbance to the resource areas. Using the same site plan to show both projects.
- New culvert will meet stream crossing guidelines. Meets standards pre March 2011. To meet the standards 1 ½ feet of the culvert will be back filled to create a natural bottom.
- Reviewed File Number Comments. Brett Kamienski, SK Design Group, submitted a letter dated 4/11/11 answering each one. Book and Page number have been revised. Regard #5: Project meets the performance standards for bank following the pre March 2011 guidelines.
- J. Hickey discussed other options for crossings including open bottom culverts or a bridge. J. Scalise: stream channel already altered, needs to be rebuilt.
- S.Beaudin (abutter) wanted to know why the abutters were notified. J. Scalise explained the regulations. She expressed concerns about the flooding and increased amount of water impacting her property in the last year. Commission asked BCAP to take a look and make recommendations to the Town if needed since it appears to be unrelated to the work on the Petricca property as the downstream flooding is reported by the neighbors to have really occurred in the last two years. J. Scalise reiterated that the intermittent stream will continue to flow naturally.

- Mark Siegars submitted a letter on behalf of the Baker Hill Road District regarding their concerns. Explained the change in the location of the curb cut that was previously granted to Petricca when the Mall Road was redesigned that may necessitate no crossing be constructed. New crossing is located near detention basin #3 on the Mall Road (Station 34 ½). Additional concerns were about impacts related to any additional runoff from the Petricca driveway to the Mall Road stormwater system when the driveway is fully constructed.
- J. Scalise addressed concerns regarding the cutting that occurred to clear the property. Currently investigating where the cutting plan and its amendments are, were able to find the cutting plan for '06 but the work is slow as the plans are not digitized and they have someone searching through boxes.
- Continued discussion to May 2, 2011 at 7:30 pm.

Enforcement Order/Restoration Plan review:

- Reviewed previously submitted restoration plan and project history to date. Will (1) remove both culverts, (2) restore bank, BVW, including removing invasive species (3) create a buffer strip 25' wide on both sides of the intermittent stream, (4) rebuild the stream channel, most work will be completed by hand.
- Approx. 1400 sq. ft were altered. Proposing 870 sq. ft of restoration and 816 sq. ft of replication. Bank restoration will be approximately 114 sq. ft.
- Reviewed site photos and observed cross culverts from the existing driveway to the house that appear to be making channels to the intermittent stream. J. Scalise will review and explore whether check dams are needed at the outlets.
- Continued discussion to 5/2/11 at 7:45. Berkshire Conservation Agent will review and comment prior to that meeting. All comments will be emailed to all parties to facilitate review at the May meeting.

Additional Violation:

- Mark Stinson, Western Region Circuit Rider for DEP, reviewed aerial photos for the entire property and noticed that the vehicle storage for Condrion Construction appears to have encroached on the Petricca property and may be impacting BVW, buffer zone, and riverfront area. Commission will discuss with Berkshire Conservation Agent to follow up on this area. Mr. Condrion was present for part of the discussion but left the meeting before the Commission to discuss the issue with him.

9:00 pm Request for Determination, 810 Partridge Road

Linda & Dan Minneci, property owners

- Proposing to replace septic system. Existing system is in failure. System is currently located by the driveway and is closer to the wetland than the proposed pump system.
- Old system will be retired in place. New system will be approximately 70' from the intermittent stream and approximately 100' from the wetland to the south. The system is also 100' from the existing well.

- Erosion controls will be in place prior to construction. Ed Fahey, Board of Health Agent, will be monitoring construction.
- Unanimous approval. Issuing Negative Determination.

9:15 pm Informational meeting with Bob Barton re: construction activities at 12 Squanto Road

- Reviewed the permits issued.
- Concern was expressed regarding the number of trees that had been cut and the potential runoff impact from the grade change to create the driveway.
- J. Trybus will do a site visit to check erosion controls and work to date.

9:30 pm

Reviewed information from DEP regarding possible Wetlands Act violation on the Condron property that abuts the western edge of the Petricca property. Terry Eucker, Berkshire Conservation Agent, will research and assist the Commission with any enforcement actions if needed.

Other Business:

- Reviewed and discussed budget reports. Conservation budget has been reduced to \$50 for next year.
- Received letter from FEMA re: 219 Narragansett Avenue removing the designation of a "special flood hazard area" from the property.
- Received monitoring report from WMECO re: Partridge Road Substation Distribution Line dated March 30, 2011.
- Received notice of dock license for 61 Ocean Street.
- Reviewed memo from November 15, 2010 re: Route 7, White Eagle Sanctuary
- Received proof of recording for Certificate of Compliance for 732 North Main Street.
- Received notice of ZBA hearings on 5/9/11
- General mail